

to form a solution. Step (b) in originally-issued claim 1 requires the preparation of a solution of a biodegradable poly(DL-lactide-co-glycolide) polymer by adding acetonitrile solvent to the polymer. However, our specification describes that the biologically active material can be blended directly into the polymer solution or dispersed within the sucrose or other suitable stabilizer prior to being blended into the polymer solution. (See for instance, column 1, lines 22-26 and column 3, lines 9-17.) Thus, at least some aspects of step (a) as included in originally-issued claim 1 are optional, and it was an error to require all the features of step (a) in our broadest issued claim. This is an error we seek to correct in this reissue application.

The Supplemental Declaration also includes the language suggested by the Examiner: "Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

The Supplemental Declaration is signed by all inventors, and a separate copy of the Supplemental Declaration indicating each signature is included.

Thus, we submit that this Supplemental Declaration corrects any defects in the original reissue Declaration. Withdrawal of the rejection of claims 1-27 is requested, and allowance of all claims 1-27 is believed to be in order.

Statement under 37 CFR 3.73(b)

The Examiner indicated that the statement under 37 CFR 3.73(b) is missing from the file. Applicants filed an Assent of Assignee and Statement Under 37 CFR 3.73(b) with the original Request for Reissue on January 6, 2000. A copy of that document is submitted again here.

Submission of the Original Granted Patent

Applicants are attempting to locate the originally granted patent and will submit same as soon as possible.

Reissue Application 09/478,822
Response dated November 18, 2004
Reply to Office Action of June 18, 2004

Submission of PTO-1449 Form Citing Yeh et al. Reference

We submit here an Information Disclosure Statement and PTO-1449 Form citing Yeh et al., "A novel emulsification-solvent extraction technique for production of protein loaded biodegradable microparticles for vaccine and drug delivery", Journal of Controlled Release 33 (1995) pages 437-445. A copy of the reference is also provided.

The Yeh et al. reference was previously cited in the PTO-1449 Form submitted on January 6, 2000, and a copy supplied. The Examiner returned the PTO-1449 Form and initialed all of the cited references except the Yeh et al. citation, apparently because of a typographical error in the indication of the date ("1005" instead of "1995").

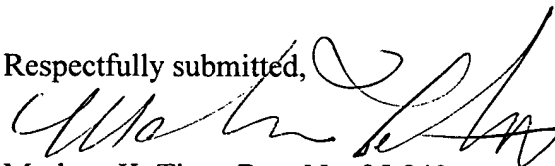
We request that the Examiner consider the Yeh et al. reference, and initial the PTO-1449 Form, and return it to us.

Change of Correspondence Address

We also submit a Change of Correspondence Address and request that it be entered.

Having addressed the Examiner's concerns, this reissue application is believed to be in condition for allowance and notice to that effect is earnestly solicited. If the Examiner has any further inquiries he is invited to contact Applicants' representative, the undersigned, at (301) 977-7227. **[PLEASE NOTE THAT THIS IS A NEW TELEPHONE NUMBER]**

Respectfully submitted,



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